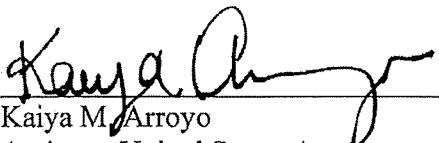


Approved:



Kaiya M. Arroyo
Assistant United States Attorney

Before: THE HON. ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York

23 - MJ - 4181

UNITED STATES OF AMERICA
v.
DWAYNE JOHNSON,
Defendant.

SEALED COMPLAINT

Violations of 21 U.S.C. § 846, 18 U.S.C.
§§ 924(c)(1)(A), 922(g), and 2

COUNTY OF OFFENSE:
SULLIVAN

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH CALVELLO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. From in or about 2017 to the present, in the Southern District of New York and elsewhere, DWAYNE JOHNSON, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DWAYNE JOHNSON, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(D).

3. The controlled substance involved in the offense was less than 50 kilograms of marijuana, in violation of Title 21, United States Code, Section 841 (b)(1)(D).
(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(D).)

COUNT TWO
(Possession of Firearms in Furtherance of Drug Trafficking)

4. From in or about 2019 to the present, in the Southern District of New York and elsewhere, DWAYNE JOHNSON, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the drug trafficking crime charged in Count One of this Complaint, knowingly used and carried a firearm, to wit, a Desert

Eagle Magnum Research 357 semi-automatic handgun, and in furtherance of such crime, possessed firearms, and aided and abetted the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT THREE
(Felon in Possession of a Firearm)

5. From in or about 2019 to the present, in the Southern District of New York, DWAYNE JOHNSON, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm, to wit, a Desert Eagle Magnum Research 357 semi-automatic handgun, and the firearm was in and affecting interstate commerce.

(Title 18, United States Code, Section 922(g).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

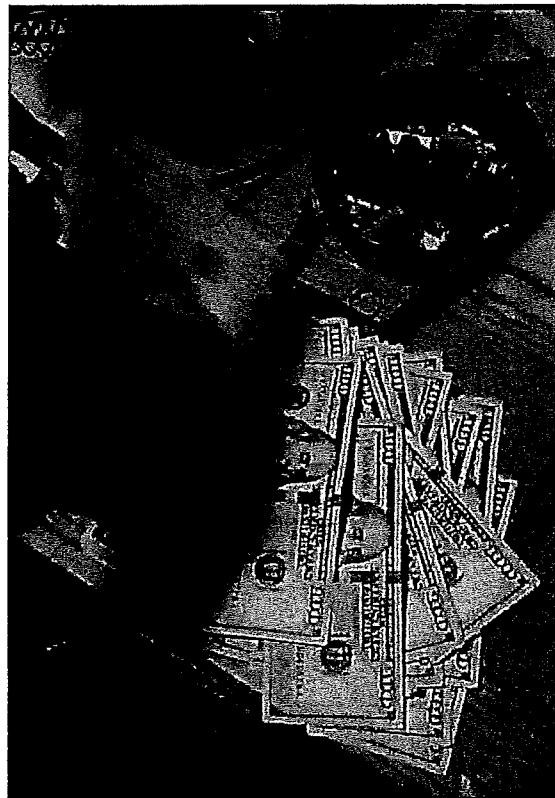
6. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

7. On or about February 6, 2023, the Honorable Judith C. McCarthy authorized a warrant to search the content and other information associated with a particular Gmail account (the "Gmail Account") used by DWAYNE JOHNSON, the defendant (the "February 6 Warrant"). Law enforcement reviewed videos and emails pursuant to the February 6 Warrant, which revealed evidence that JOHNSON is in possession of large quantities of marijuana in his residence in Monticello, New York (the "Residence") that is protected by a large cache of firearms.

a. The Gmail Account contained multiple photos and videos associated with JOHNSON's marijuana trafficking business, including videos of JOHNSON counting large quantities of cash in the Safe Room, photographs of marijuana in its retail packaging, and pounds of marijuana stored on tables and in a safe within the house. A sample of these photographs and screenshots are depicted below:



(Retail Marijuana Packaging)

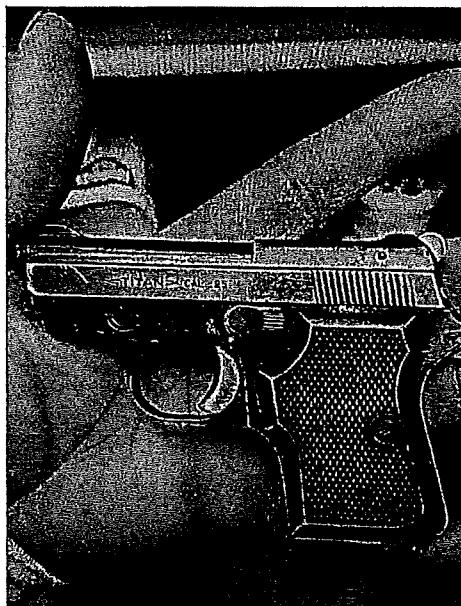


(JOHNSON Counting Money)

b. According to the metadata associated with a photograph seized pursuant to the February 6 Warrant, on or about April 3, 2019, JOHNSON took a photo of himself holding a Desert Eagle Magnum Research 357 semi-automatic firearm with serial number DK0028601 (the “Desert Eagle”). JOHNSON also took a video of himself shooting the Desert Eagle in his backyard. A photo of JOHNSON and the Desert Eagle is depicted below:



c. Law enforcement also found a photo of JOHNSON holding an FIE Titan 25 caliber semi-automatic firearm (the “FIE Titan”). JOHNSON also took a video of himself handing the firearm to another individual, who then shoots the FIE Titan in his backyard with a group of other people. A photo of the FIE Titan is depicted below:



d. In or about January 2017, JOHNSON took a video of himself in which he pans the camera around a particular room ("the Room") within the Residence. The video ("Video-1") depicts the contents of the Room, which contains rounds of ammunition, a scale, a money counter, marijuana, and four firearms mounted to the wall, including an AK-47. Video-1 also depicts JOHNSON holding stacks of United States currency, counting a stack of bills, and saying, in sum and substance, that it's "hard work" to accrue that amount of currency. JOHNSON then pans back to the walls of guns and states, "you have to protect it, though." Screenshots taken from this are depicted below:

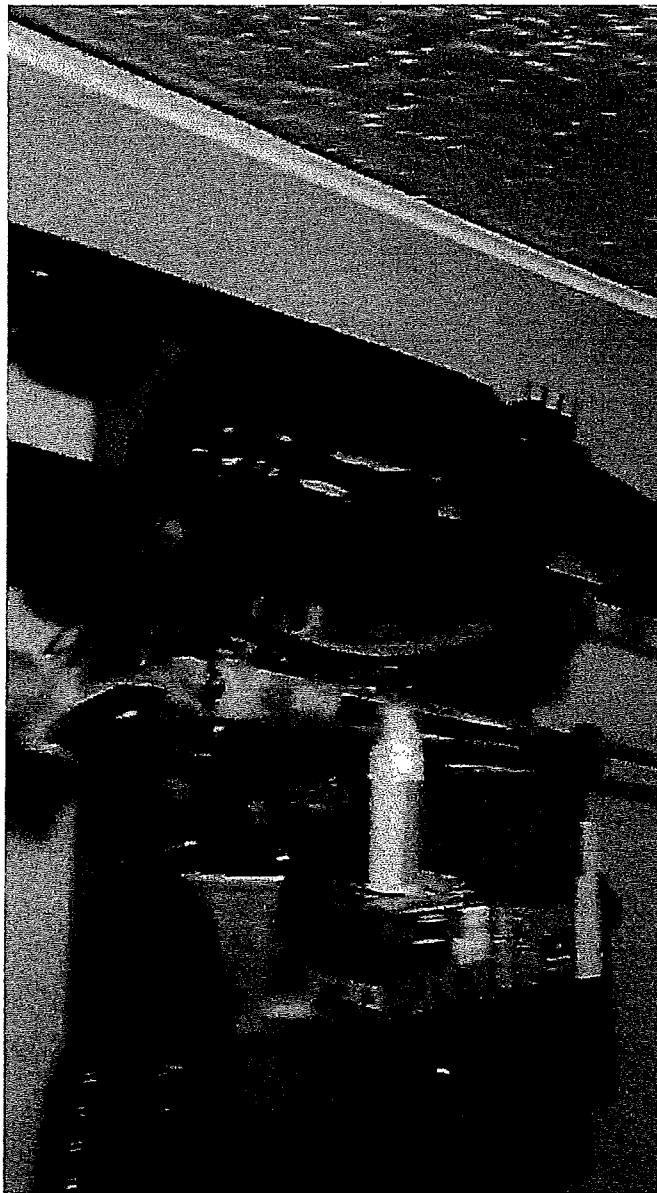


(JOHNSON Counting Money)



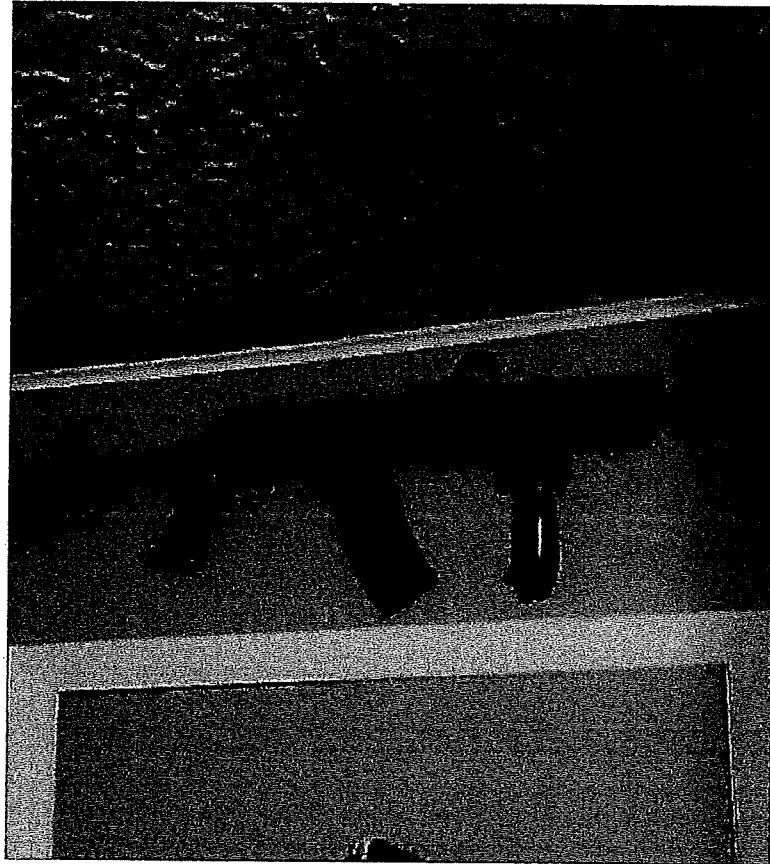
(Money, Firearm, and Marijuana)¹

¹ At this point in the video, JOHNSON can be heard saying “you gotta protect your money, baby.”



(Additional Firearms)²

² At this point in the video, JOHNSON pans to the wall containing the three firearms depicted above and states the following: "Just in case you think you can f*ck with my money, you come and I'll spread you with a 12-gauge, you run and I'll catch you with the 30 aught 6 or the 308.



(Additional Firearm)³

8. Since at least September 2022, law enforcement has utilized a confidential informant (“CI”)⁴ to make controlled purchases of marijuana from the former romantic partner of DWAYNE JOHNSON, the defendant, and current co-conspirator (“CC-1”).

a. On or about September 15, 2022, the CI made a controlled purchase of marijuana from CC-1 at CC-1’s residence in Monticello, New York. Prior to the purchase, the CI was provided \$400 in pre-recorded buy money, a recording device, and was searched for contraband. The CI was thereafter transported to a location near CC-1’s residence by law enforcement. The CI then went to CC-1’s residence, met with CC-1 and received two ounces of

³ At this point in the video, JOHNSON pans to the wall containing the AK-47 and states the following: “If you wanna come deep, [illegible] AK-47 with the banana clip, we will catch you.”

⁴ The CI has been assisting the FBI in connection with this investigation and related state investigations since approximately January 2022 in exchange for the hopes of a reduced sentence in a pending state matter. The CI is also compensated for the CI’s services in the federal investigation. During the CI’s time working with the FBI, the CI has provided information that has been independently corroborated and has proven reliable. The CI has one state felony conviction for Criminal Possession of a Weapon from 2010.

what appeared to be marijuana in exchange for the \$400 in U.S. currency. The marijuana was branded “Big D’s Weed Farmer,” which is known by the CI to be JOHNSON’s brand of marijuana.

b. On or about September 20, 2022, the CI made a controlled purchase of marijuana from CC-1 at CC-1’s residence, this time for 286 grams (total package weight). Once again, the packages included the “the “Big D’s Weed Farmer” branding. According to the CI, during a purchase of marijuana in or about early 2022, CC-1 stated, in sum and substance, that she receives her supply of marijuana from JOHNSON and that the “weed farmer” branding depicted above is associated with JOHNSON.

c. Prior to the execution of the February 6 Warrant, the CI described a particular room within JOHNSON’S Residence in which JOHNSON stored his drugs, currency, and firearms. The depiction of the Room in Video-1 matches the CI’s description.

9. I have reviewed the criminal history reports pertaining to DWAYNE JOHNSON, the defendant, which include a photograph of JOHNSON, and have confirmed that the photograph JOHNSON depicted above with the Desert Eagle is the same individual depicted in the photograph in his criminal history. The criminal history reports also show that JOHNSON was convicted of a crime punishable by imprisonment exceeding one year, to wit, on or about December 20, 1996, JOHNSON was convicted of Attempted Robbery in the Second Degree, Displaying What Appears to Be a Firearm in violation of New York Penal Law Section 160.10.02B, a class D felony. JOHNSON was sentenced to three years’ imprisonment.

10. I have learned that a firearms expert with the Bureau of Alcohol, Tobacco, Firearms, and Explosives has examined photos and videos of the Desert Eagle, as well as documents and information associated with the Desert Eagle, and has determined that it was not manufactured in the state of New York.

WHEREFORE, I respectfully request that DWAYNE JOHNSON, the defendant, be imprisoned or bailed, as the case may be.

J. Calvello

JOSEPH CALVELLO
Special Agent
Federal Bureau of Investigation

Sworn to before me,
this 22nd day of May, 2023.

Andrew Krause

THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York